

### REMARKS

Claims 1-22 are pending in this application.

#### Amendments

Claim 1 was amended to recite that L can be cycloalkylene. Support for this amendment is found in Applicants' specification at, for example, in compound 110 at page 23, and in originally presented Claim 20.

Claim 20 was amended to make this claim dependent on Claim 1 and to correct an obvious typographical error.

No new matter has been entered.

These amendments have been made in accordance with 37 C.F.R. §1.121 as amended on November 7, 2000. As required, attached hereto is an appendix illustrating the changes made to Claim 20.

Entry of these amendments is earnestly solicited.

#### Restriction Requirement

Claims 1-22 stand restricted by the United States Patent and Trademark Office into (3) different inventions which are defined in the Office Action by the following claim groupings:

- |            |  |
|------------|--|
| Group I:   | Claims 1-16, drawn to compounds, classified in various classes and subclasses. |
| Group II:  | Claims 17-19, drawn to compounds, classified in class 548 and subclass 400+.   |
| Group III: | Claims 20-22, drawn to compounds, classified in class 548 and subclass 400+.   |

In response to this restriction requirement, Applicants elect, with traverse, the invention defined by Group I. This restriction requirement is traversed to the extent that Applicants maintain that Group I and Claims 20 and 21 of Group III should be combined.

Specifically, Applicants submit that the compounds of Claims 20 and 21 are subgeneric to the compounds of Group I and, in this regard, Claim 20 has been amended to reflect this by making this claim dependent upon Claim 1 and Claim has been amended to include cycloalkylene as a species for L. Accordingly, Applicants submit that the restriction requirement should be recast as follows:

Group I: Claims 1-16, and 20-21.

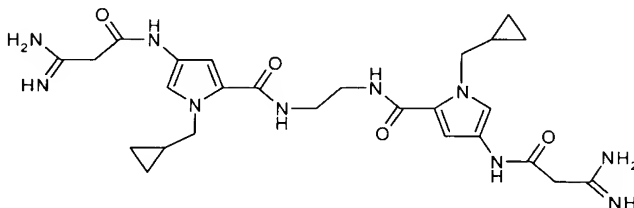
Group II: Claims 17-19.

Group III: Claim 22

It is respectfully requested that this restriction requirement be so recasted.

Election of Species:

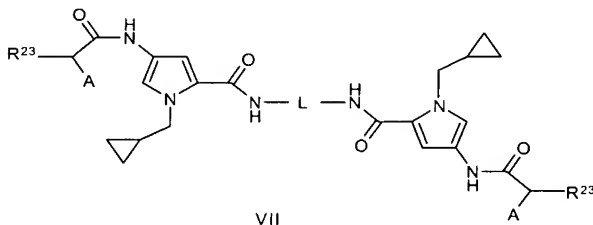
In addition to the above, the Office Action included an election of species requirement because Claims 1-22 are allegedly generic to a plurality of disclosed patentably distinct species. In response to this requirement, Applicants elect, without traverse, the following compound:



hydroxyalkyl, alkoxyalkyl, aminoalkyl,  $-\text{CONHR}^4$ ,  $-\text{COR}^7$ ,  $-\text{COOR}^8$  (where  $\text{R}^4$ ,  $\text{R}^7$  and  $\text{R}^8$  are as defined above),  $-\text{SO}_2\text{R}^{11}$  (wherein  $\text{R}^{11}$  is alkyl, substituted alkyl, aryl, substituted aryl, aralkyl, substituted aralkyl, heteroaryl, substituted heteroaryl, heteroaralkyl, or substituted heteroaralkyl) or  $-(\text{CHR}^5)_{n2}-\text{NH}-(\text{CO}-\text{Ar}^3-\text{NH})_m-\text{CO}-\text{Ar}^4-\text{NHR}^2$  where  $n2$  is 2 to 4,  $\text{R}^5$  is hydrogen, alkyl, or substituted alkyl, and  $\text{Ar}^3$ ,  $m$ ,  $\text{Ar}^4$ , and  $\text{R}^2$  are as defined above],  $-\text{CO}-\text{NH}-$ , or  $-\text{NH}-\text{CO}-$ , provided that when  $\text{Z}$  and/or  $\text{Z}^a$  is  $-\text{NR}^{10}-$  then it is separated from another nitrogen atom by at least two carbon atoms;

or a pharmaceutically acceptable salt thereof.

20. (amended) A compound of [the] claim 1 which compound is represented by formula (VII)



[Wherein]

wherein

$\text{L}$  is selected from the group consisting of alkylene and cycloalkylene;

$\text{A}$  is an amino acid side chain; and

$\text{R}^{23}$  is selected from the group consisting of guanidino, amino, and ornithylamino.--

Response to Office Action  
Application Serial No.: 10/026,963  
Attorney's Docket No.: 033052-007

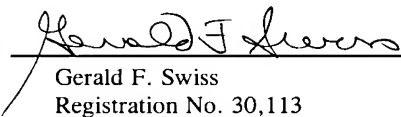
This compound is found, for example, in FIG. 10 of the specification as compound 177, in the specification as Example 36 and in Claim 21. Applicants submit that Claims 1, 2, 4, 5, 6, 8, 9, 14, 15, 16, 20, and 21 read on the elected species.

Upon allowance of the generic claim, Applicants request consideration of claims to additional species which are written in dependent form or which otherwise include all of the limitations of the generic claim as provided by 37 C.F.R. §1.141.

In view of the above, early examination on the merits is requested.

Respectfully submitted,

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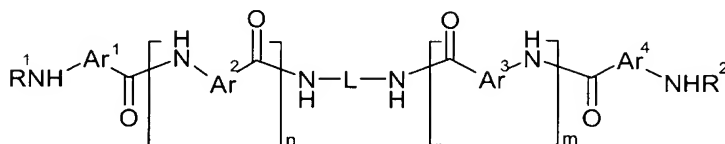
Date: December 30, 2002

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**Marked up version of the Specification**

Claims 1 and 20 were amended to read as follows:

1. (amended) A compound of Formula (I):



wherein:

R<sup>1</sup> and R<sup>2</sup> are, independently of each other:

- (i) hydrogen;
- (ii) alkyl; or
- (iii) -COR<sup>3</sup> wherein R<sup>3</sup> is selected from the group consisting of alkyl, amino, monosubstituted amino, disubstituted amino or alkyl substituted with one, two or three substituents selected from the group consisting of amino, monosubstituted amino, disubstituted amino, guanidino, amidino, aminoacyl, -NHCOR<sup>a</sup> (wherein R<sup>a</sup> is hydrogen, alkyl, substituted alkyl, aryl, substituted aryl, aralkyl, substituted aralkyl, cycloalkyl, substituted cycloalkyl, cycloalkylalkyl, substituted cycloalkylalkyl, heteroaryl, substituted heteroaryl, heteroaralkyl, or substituted heteroaralkyl), -NHCONHR<sup>a</sup> (wherein R<sup>a</sup> is as defined above), aryl, substituted aryl, heteroaryl, substituted heteroaryl, carboxy, alkoxycarbonyl, and -OR<sup>b</sup> (where R<sup>b</sup> is hydrogen, alkyl, substituted alkyl, aryl, substituted aryl, aralkyl, substituted aralkyl, cycloalkyl, substituted cycloalkyl, cycloalkylalkyl, substituted

cycloalkylalkyl, heteroaryl, substituted heteroaryl, heteroaralkyl, or substituted heteroaralkyl), provided that at least one of R<sup>1</sup> and R<sup>2</sup> is a group which can form a pharmaceutically acceptable acid addition salt;

n and m are independently an integer from 0 to 4; and

Ar<sup>1</sup>, Ar<sup>2</sup>, Ar<sup>3</sup>, and Ar<sup>4</sup> are independently selected from the group consisting of arylene, substituted arylene, and optionally substituted heteroarylene; and

L is:

- (i) alkylene or cycloalkylene;
- (ii) alkylene substituted with one, two or three substituent(s) selected from the group consisting of aryl, -CONHR<sup>4</sup> (wherein R<sup>4</sup> is hydrogen, alkyl, substituted alkyl, hydroxyalkyl, alkoxyalkyl, aminoalkyl, aryl, substituted aryl, aralkyl, substituted aralkyl, heteroaryl, substituted heteroaryl, heteroaralkyl, or substituted heteroaralkyl, heterocyclic, substituted heterocyclic, heterocyclicalkyl, heterothioalkyl, , or -(CHR<sup>5</sup>)<sub>m</sub>-CO-(NH-Ar<sup>3</sup>-CO)<sub>m</sub>-NH-Ar<sup>4</sup>-CO-NHR<sup>3</sup> where n1 is 1 to 3, R<sup>5</sup> is hydrogen or alkyl, substituted alkyl, and Ar<sup>3</sup>, m, Ar<sup>4</sup>, and R<sup>3</sup> are as defined above), -CONHNHR<sup>6</sup> [wherein R<sup>6</sup> is alkyl, substituted alkyl, aryl, substituted aryl, aralkyl, substituted aralkyl, -COR<sup>7</sup>, -COOR<sup>8</sup> (wherein R<sup>7</sup> and R<sup>8</sup> are independently of each other alkyl, substituted alkyl, aryl, substituted aryl, aralkyl, cycloalkyl, substituted cycloalkyl, cycloalkylalkyl, substituted cycloalkylalkyl, heteroaryl, substituted heteroaryl, or heteroaralkyl), heteroaryl, or heteroaralkyl], -NHR<sup>9</sup> (wherein R<sup>9</sup> is hydrogen, alkyl, substituted alkyl, hydroxyalkyl, alkoxyalkyl, aminoalkyl, aminoalkylcarbonyl, or heterocycliccarbonyl, and guanidino; or -(alkylene)<sub>x</sub>-Z-(alkylene)<sub>y</sub>-(Z<sup>a</sup>)<sub>z</sub>- wherein x, y and z are independently 0,1, or 2 and Z and Z<sup>a</sup> are, independently of each other, phenylene, cycloalkylene optionally fused to one or two phenylene ring(s), heterocyclene, -O-, -S-, -NR<sup>10</sup>- [wherein R<sup>10</sup> is hydrogen, alkyl, substituted alkyl, cycloalkylcarbonyl,